In the HighCourt for the States of Punjab and Haryana at Chandigarh.

Civil Revision No.6791 of 2006.

Date of decision:19.12.2006.

Kalu and others.

...Petitioners.

Versus

Suresh Kumar.

...Respondent.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr.Navneet Chhokar Advocate and Mr.Rajendar Chhokar Advocate for the petitioners.

...

Judgment.

S. N. Aggarwal, J.

Submits that the petitioners are the plaintiffs in the learned trial Court. They had produced oral evidence. The case was fixed for 12.4.2005. The counsel for the petitioners failed to appear and some proxy counsel was present on behalf of the petitioners who could not tender the documents and the evidence of the petitioners was closed by the learned trial Court vide order dated 12.4.2005. The petitioners filed an application for recalling that order and permitting them to tender the documents. That application has been dismissed by the learned trial Court vide impugned order dated 4.11.2006.

Further submits that the case is now fixed for 21.12.2006 in the learned trial Court and if one opportunity is granted to the petitioners,they would produce the documents at their own responsibility and would close their evidence.

If notice is given to the respondent,it will delay the disposal of this petition. It will also delay the disposal of civil suit pending in the learned trial Court since the year 2000. In the interest of justice, the petitioners should be granted one opportunity to tender the documents at their own responsibility while the opposite side can be compensated by payment of costs.

Therefore, this petition is accepted subject to payment of costs of Rs.1,000/-. The costs would be tendered by the petitioners in the learned trial Court on 21.12.2006 for onward payment to the contesting respondent. On that date,the learned trial Court shall grant one opportunity to the petitioners for tendering the documents at their own responsibility. If the petitioners fail to make payment of costs or fail to tender the documents at their own responsibility or close their evidence at stipulated above,then they would not be entitled to any other opportunity.

Dasti on payment of usual charges.

December 19,2006. (S. N. Aggarwal)
Jaggi Judge